IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	GRANDCOLAS, Michael L. et al.
Application No.	09/671,424
Filed:	September 27, 2000
For:	**SYSTEM AND METHOD FOR DELIVERING FINANCIAL SERVICES**
Examiner:	Colbert, Ella
Group Art Unit:	3694

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 in connection with the decision of the Examiner mailed on January 30, 2007. A Notice of Appeal was filed on April 26, 2007 setting the time for filing an Appeal Brief to expire on June 26, 2007.

An Amendment AF was likewise filed in response to the January 30, 2007 decision of the Examiner on the same date of filing the Notice of Appeal as permitted by 37 C.F.R. §1.116 proposing to amend the application after final rejection pursuant to the provisions of 37 C.F.R. §1.116 to comply with requirements of form expressly set forth in the January 30, 2007 decision of the Examiner. No Advisory Action has been received in response to the proposed amendment as of the date of filing this Appeal Brief.

This Appeal Brief fully complies with all provisions of 37 CFR 41.37(c) and each of the topics required by § 41.37 is presented herewith and is labeled appropriately. It is not believed that any additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

(1) **Real Party In Interest**

The real party in interest is Citicorp Development Center, Inc.

(2)   Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3)   Status of Claims

Claims 51 and 52 are pending and both have been rejected.

Claims 3-10 and 28-35 have been canceled.

No claims have been allowed.

Claims 1, 2, 11-27, and 36-50 have been withdrawn.

Claims 51 and 52 are hereby appealed.

(4)   Status of Amendments

As previously noted herein, an Amendment AF was filed in response to the January 30, 2007 decision of the Examiner on the same date of filing the Notice of Appeal as permitted by 37 C.F.R. § 1.116 proposing to amend the application after final rejection pursuant to the provisions of 37 C.F.R. § 1.116 to comply with requirements of form expressly set forth in the January 30, 2007 decision of the Examiner. No Advisory Action or other communication has been received from the Examiner in response to the proposed amendment as of the date of filing this Appeal Brief.

(5)   Summary of Claimed Subject Matter

Independent claim 51 proposes a platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines in which a session request is received from a user using a transaction card at an interactive interface to access said self-service financial transaction device, and a status of the user is ascertained from the transaction card as a customer or non-customer and a local or international user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, lines 8-20; and p. 44, lines 12-26 and Fig. 12). Independent claim 51 also proposes that the session request is selectively associated with pre-stored parameters for

2

configuring a standardized user-specific interactive interface, which parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user (See, e.g., Specification, p. 6, line 1-p. 7, line 5 and p. 41, line 20-p. 42, line 11; and Figs. 13, and 14A-14C). Independent claim 51 further proposes that the standardized customer-specific interactive interface is displayed to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user (See, e.g., Specification, p. 41, line 28-p. 42. line 11; p. 42. line 22-p. 43, line 10; p. 43; and line 19-p 44, line 2 and Figs. 15A-15D).

Independent claim 52 proposes a platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines in which a session request is received from a user using a transaction card at an interactive interface to access the self-service financial transaction device, and a status of the user is ascertained from the transaction card as a customer or non-customer and a vision impaired or vision unimpaired user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, line 8-p. 42, line 11; and p. 44, line 27-p. 45, line 8; and Fig. 12). Independent claim 52 additionally proposes that the session request is selectively associated with pre-stored parameters for configuring a standardized user-specific interactive interface, which parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, line 20-p. 42, line 11; p. 44, line 27-p. 45, line 8; and Figs. 13, and 14A-14C). Independent claim 51 also proposes that the standardized customer-specific interactive interface is displayed to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions

depending on the status of the user as a vision impaired or vision unimpaired user (See, e.g., Specification, p. 41, line 28-p. 42, line 11; p. 42, line 22-p. 43, line 10; p. 43, line 19-p 44, line 2; p. 44, line 27-p. 45, line 8; and Figs. 15A-15D).

(6)   Grounds of Rejection to be Reviewed on Appeal

Claims 51 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. 6,539,361).

(7)   Argument

The Rejection of Claims 51 and 52 under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. Pat. No. 6,539,361) is Improper

Claims 51 and 52 stand rejected as obvious over Richards (U.S. Patent No. 6,539,361) under 35 U.S.C. § 103(a). The rejection is respectfully traversed and reconsideration is requested. The reference asserted does not teach or suggest the claimed invention.

The Examiner considers that Richards discloses each and every element recited in independent method claim 51 except ascertaining from the transaction cared a status of the user as a customer or non-customer and a status of the user as a local or international user, which the Examiner considers to be obvious because the Examiner considers that Richards discloses "a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen...and the card reader reading the card data" that the Examiner "interpreted as determining the status of the user as a customer or a non-customer and a local or international user."

On the contrary, Richards fails to teach or suggest the invention claimed in claim 51 in at least the following respects:

- Instead of receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user, as recited in claim 51. according to Richards, the ATM screen simply displays an invitation to users in

4

one or more languages (in much the same way as. e.g., typical shampoo bottle instructions printed in English. French, Spanish, etc.) to touch the screen at a particular spot, and in response to the user touching that spot, the home server to which the ATM is connected activates the ATM card reader and prompts the user to insert his or her ATM card. from which the home server associates the user's card data with a shared secret. such as the user's PIN, and prompts the user to enter the user's PIN (See, e.g., Richards, Col 11, line 46-Col 14, line 64). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server simply forwards the card data via a proxy server to the server corresponding to the user's URL address. which likewise prompts the user to enter the user's PIN (See, e.g., Richards, Col 22, line 30-Col 23, line 52)

- Instead of selectively associating the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user, as recited in claim 51. according to Richards, the home server may selectively activate the ATM devices, e.g.. to limit the user's access to the ATM cash dispenser if the user is overdrawn (See. e.g.. Richards, Col 13. lines 26-36). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server allows the server corresponding to the user's URL address to run the ATM machine but may likewise limit or prevent the user's access to certain ATM functions, such as the cash dispenser (See, e.g., Richards, Col 23, line 52-Col 24, line 9).

- Instead of displaying the standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user, as recited in claim 51. according to Richards, the home server may display a 'personal' page for the user

5

based on the user's gender, associates, accounts and balances, permitted transactions, preferences, interests, and previous offers (See, e.g., Richards, Col 16, lines 10-34). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server may allow the server corresponding to the user's URL address to display its own interface for the user on the ATM machine which can be in the same or a different language (See, e.g., Richards, Col 24, line 46-Col 25, line 40).

The Examiner likewise considers that Richards discloses each and every element recited in independent method claim 52 except ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, which the Examiner considers to be obvious because the Examiner considers that Richards discloses "a touch screen which includes an icon which indicates that to commence a transaction the user should touch the screen…and the card reader reading the card data" and that "[a]lternative embodiments may include other output devices such as audio speakers" that to the Examiner "indicates that a person who is visually impaired can use the ATM machine."

On the contrary, Richards likewise fails to teach or suggest the invention claimed in claim 52 in at least the following respects:

- Instead of receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, according to Richards, the ATM screen simply displays an invitation to users to touch the screen at a particular spot, and in response to the user touching that spot, the home server to which the ATM is connected activates the ATM card reader and prompts the user to insert his or her ATM card, from which the home server associates the user's card data with a shared secret, such as the user's PIN, and prompts the user to enter the user's PIN (See, e.g., Richards, Col 11, line 46-

6

Col 14, line 64). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server simply forwards the card data via a proxy server to the server corresponding to the user's URL address, which likewise prompts the user to enter the user's PIN (See, e.g., Richards, Col 22, line 30-Col 23, line 52). With regard to the Examiner's claim that a vision impaired person can use the ATM of Richards because of a mention of alternative embodiments with audio speakers, a reading of Richards clarifies that the sole purpose of such audio speakers in Richards is to provide audio instructions indicative of conditions such as problems, as well as corrective action data and repair instructions associated with maintenance and diagnostic messages for servicing the ATM and has absolutely nothing to do with accommodating vision impaired persons (See, e.g., Richards, Col 29, lines 11-38).

- Instead of selectively associating the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, according to Richards, the home server may selectively activate the ATM devices, e.g., to limit the user's access to the ATM cash dispenser if the user is overdrawn (See, e.g., Richards, Col 13, lines 26-36). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server allows the server corresponding to the user's URL address to run the ATM machine but may likewise limit or prevent the user's access to certain ATM functions, such as the cash dispenser (See, e.g., Richards, Col 23, line 52-Col 24, line 9). As pointed out by Applicants, support for vision impaired users according to Applicants' claimed invention is treated substantially as if it were a different language, and the phrases on the screens are slightly different, but the same basic application is used to drive them, and there are also differences in screen text so that instructions can be more easily read by a screen reader for vision impaired users.

7

- Instead of displaying said standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, according to Richards, the home server may display a 'personal' page for the user based on the user's gender, associates, accounts and balances, permitted transactions, preferences, interests, and previous offers (See, e.g., Richards, Col 16. lines 10-34). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server may allow the server corresponding to the user's URL address to display its own interface for the user on the ATM machine which can possibly be in a different language (See, e.g., Richards, Col 24, line 46-Col 25, line 40). As previously noted, support for vision impaired users according to Applicants' claimed invention is treated substantially as if it were a different language, and the phrases displayed on the screens are slightly different, but the same basic application is used to drive them, and there are also differences in screen text so that instructions can be more easily read by a screen reader for vision impaired users.

Consequently, Richards does not disclose or even suggest, the required combinations of limitations recited in claims 51 and 52. Because the cited reference does not teach the limitations of claims 51 and 52. the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.
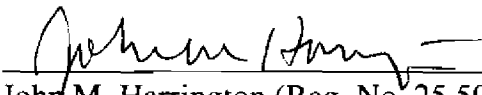
(8) Conclusion

For at least the reasons given above, the rejection of claims 51 and 52 is improper. Applicants respectfully request the final rejection by the Examiner be reversed and claims 51 and 52 be allowed.

Respectfully submitted,

Date: 6/13/07

By: _____
John M. Harrington (Reg. No. 25,592)
For George T. Marcou (Reg. No. 33,014)

KILPATRICK STOCKTON LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800

(9)   Claims Appendix

51. A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising:

receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user;

selectively associating said session request with pre-stored parameters for configuring a standardized user-specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user; and

displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user.

52. A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising:

receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user;

selectively associating said session request with pre-stored parameters for configuring a standardized user-specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user; and

displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user.

(10) Evidence Appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 and no other evidence entered by the examiner and relied on by appellant in the appeal.

(11)   Related Proceedings Appendix

There are no other decisions rendered by a court or the Board in any other appeals or interferences related to this case.